

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Mark J. Hall)
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Assignee	:	Hansen Beverage Company)
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Reissue of)
Patent No.	:	6,044,983)
)
Issued	:	April 4, 2000)
)
For	:	SHELF STRUCTURE)

PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.173(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Preliminary to the examination of the above-identified reissue application, Applicant respectfully requests entry of the following amendments:

IN THE CLAIMS:

Please add new Claims 20-48 as follows:

20. A rack comprising:

a support assembly having a forward portion and a rearward portion and being configured to support a plurality of beverage containers;

a first pair of support legs having lower ends connected to the forward portion;

and

a second pair of support legs having lower ends connected to the rearward portion,
each of the first and second pairs of support legs having upper ends configured to hang
the rack from a shelf disposed above the rack;

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wherein the first and second pairs of support legs are sized such that the forward portion hangs lower than the rearward portion when the rack is hanging, by the upper ends of the first and second pairs of the support legs, from a horizontal shelf.

21. The rack according to Claim 20 additionally comprising a panel structure connected to the forward portion.

22. The rack according to Claim 21, wherein the panel structure forms a stop.

23. The rack according to Claim 22, wherein the panel structure includes at least one substantially vertical surface.

24. The rack according to Claim 20 additionally comprising threaded fasteners connecting the upper ends of the first and second pairs of support legs to the shelf.

25. The rack according to Claim 20 additionally comprising a stop disposed on the forward portion.

26. The rack according to Claim 25, wherein the stop is spaced forwardly from the first pair of support legs.

27. The rack according to Claim 20, wherein the first and second pairs of support legs are sized such that the rack can only receive articles having at least one dimension less than about 2.5 inches.

28. The rack according to Claim 20, wherein the support assembly is configured to support a plurality of parallel files of beverage containers extending between the rearward portion and the forward portion.

29. The rack according to Claim 20, wherein the support assembly comprises a wire frame configured to allow cylindrical beverage containers to roll along an upper surface thereof.

30. A shelving system comprising:

a substantially horizontal shelf having a forward area and a rearward area;

a rack disposed below the shelf and comprising a support assembly having a forward portion and a rearward portion and being configured to support a plurality of beverage containers;

a first pair of support legs having lower ends connected to the forward portion;
and

a second pair of support legs having lower ends connected to the rearward portion,
the first pair of support legs having upper ends configured to hang from the forward area

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of the shelf, the second pair of support legs having upper ends configured to hang from the rearward area of the shelf;

wherein the first and second pairs of support legs are sized such that the support assembly is inclined relative to the shelf when the rack is hanging from the shelf.

31. The shelving system according to Claim 30, wherein the shelf is adjustably mounted within a display case.

32. The shelving system according to Claim 30, wherein the rack is narrower than the shelf.

33. The shelving system according to Claim 30, wherein a clearance is defined between a lower surface of the shelf and an upper surface of the support assembly when the rack is hanging from the shelf, the first and second pairs of support legs being sized such that a cylindrical beverage container having a diameter of about 2.5 inches or more cannot fit within the clearance.

34. The shelving system according to Claim 33, wherein the first and second pairs of support legs are sized such that a cylindrical beverage container having a diameter of about two inches can fit within the clearance.

35. The shelving system according to Claim 30 additionally comprising threaded fasteners connecting the upper ends of the first and second pairs of support legs to the shelf.

36. A rack comprising:

a support assembly having a forward portion and a rearward portion and being configured to support a plurality of beverage containers;

a first pair of support legs having lower ends connected to the forward portion;

a second pair of support legs having lower ends connected to the rearward portion, each of the first and second pairs of support legs having upper ends configured to hang the rack from a shelf disposed above the rack; and

means for causing the forward portion to hang lower than the rearward portion when the rack is hanging, by the upper ends of the first and second pairs of the support legs, from a horizontal shelf disposed above the rack.

37. The rack according to Claim 36, wherein a clearance is defined between the support assembly and a lower surface of the rack, additionally comprising means for preventing a cylindrical beverage container having a diameter of about 2.5 inches or more from fitting within the clearance.

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38. The rack according to Claim 36 additionally comprising means for forming a stop at the forward portion.

39. The rack according to Claim 38 additionally comprising means for allowing a cylindrical beverage container to pass upwardly between the stop and a forward edge of the shelf when the rack is hanging from the shelf.

40. A beverage container rack comprising:

a support assembly defining a longitudinally extending support having a forward portion and a rearward portion, the support being configured to support a plurality of horizontally disposed cylindrical beverage containers arranged parallel to each other and between the forward and rearward portions;

a first support leg assembly connected to the forward portion;

a second support leg assembly connected to the rearward portion, the first and second support leg assemblies having upper ends configured to hang the rack from a shelf disposed above the rack; and

a stop spaced forwardly from the first support leg assembly such that a cylindrical beverage container can pass upwardly between the stop and a forward edge of the shelf.

41. The rack according to Claim 40, wherein the upper ends of the first and second support leg assemblies are configured to fasten the rack to an inclined shelf disposed above the rack.

42. The rack according to Claim 41 additionally comprising threaded fasteners configured to fasten the upper ends of the first and second support leg assemblies to the inclined shelf.

43. The rack according to Claim 40, wherein the first and second support leg assemblies each comprise a pair of support legs.

44. The rack according to Claim 43, wherein the pairs of support legs are sized such that the longitudinally extending support is oriented parallel to a shelf disposed above the rack when the rack is hanging from the shelf by the upper ends of the first and second support leg assemblies.

45. A beverage container shelving system comprising:

a shelf inclined relative to a horizontal plane; and

a beverage container rack comprising:

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a support assembly defining a longitudinally extending support surface having a forward portion and a rearward portion, the support surface being configured to support a plurality of horizontally disposed cylindrical beverage containers arranged parallel to each other and between the forward and rearward portions;

a first support leg assembly connected to the forward portion;

a second support leg assembly connected to the rearward portion, the first and second support leg assemblies having upper ends configured to hang the rack from the shelf such that the support surface is parallel to the shelf; and

a stop spaced forwardly from the first support leg assembly such that a cylindrical beverage container can pass upwardly between the stop and a forward edge of the shelf.

46. The shelving system according to Claim 45, wherein the first and second support leg assemblies each comprises a pair of support legs.

47. The shelving system according to Claim 46 additionally comprising threaded fasteners fastening the upper ends of the first and second support leg assemblies to the shelf.

48. The shelving system according to Claim 45, wherein the shelf is inclined such that cylindrical beverage containers roll along the support surface toward the forward portion due to gravity.

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COMMENTS

Claims 20-48 have been added. Claims 1-48 are now pending in the present application.
Claims 20-48 are in Condition for Examination on the Merits

Applicant has added new Claims 20-48 which recite subject matter previously disclosed but not claimed. Applicant therefore submits that no new matter has been introduced. In support of new Claims 20-48, Applicant has set forth below an explanation of the support in the disclosure for the new claims, in accordance with 37 C.F.R. § 1.173(c).

With respect to new Claim 20, Applicant respectfully directs the Examiner to Column 2, lines 57-64, and Column 3, lines 3-6.

With respect to Claims 21-23, 25, 26, and 38, Applicant respectfully directs the Examiner to Column 3, lines 25-28, lines 41-44, Column 4, lines 14-18, and Column 5, line 27.

With respect to Claims 24, 35, 42, and 47, Applicant respectfully directs the Examiner to Column 2, lines 62-64.

With respect to Claims 27, 33, 34, and 37, Applicant respectfully directs the Examiner to Column 4, line 65 - Column 5, line 15.

With respect to Claims 28 and 29, Applicant respectfully directs the Examiner to Column 3, lines 52-59.

With respect to Claim 30, Applicant respectfully directs the Examiner to Column 2, lines 52-64 and Column 3, lines 3-6.

With respect to Claim 31, Applicant respectfully directs the Examiner to Column 1, lines 44-50.

With respect to Claim 32, Applicant respectfully directs the Examiner to Column 6, lines 10-27.

With respect to Claim 36, Applicant respectfully directs the Examiner to Column 2, lines 56-64 and Column 3, lines 3-6.

With respect to Claims 39, 40 and 45, Applicant respectfully directs the Examiner to Column 4, lines 5-10.

With respect to Claims 41 and 48, Applicant respectfully directs the Examiner to Column 4, lines 22-50.

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With respect to Claims 43, 44, and 46, Applicant respectfully directs the Examiner to Column 2, line 50 - Column 3, line 6.

Notice of Concurrent Litigation

Applicant would also like to bring to the Office's attention that the Assignee of U.S. Patent No. 6,044,983 has recently filed a lawsuit in the Eastern District of California alleging infringement. The lawsuit is presently pending.

CONCLUSION

Applicant therefore submits that the present reissue application is in condition for examination on the merits. If any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

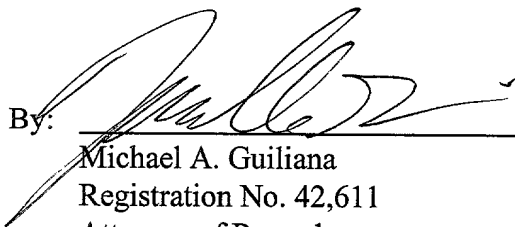
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

5/2/01

By: _____



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